



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

*via Federal Express*

April 29, 2008

Ms. Pamela Marks, Esq.  
Beveridge and Diamond  
201 N. Charles Street  
Suite 2219  
Baltimore, MD 21201

Re: *IMO Sasol North America Inc.*  
EPA Docket Number RCRA 03-2008-0013

Dear Ms. Marks:

Enclosed find a true and correct copy of the filed Consent Agreement and Final Order.  
Best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Joyce A. Howell".

Joyce A. Howell  
Sr Assistant Regional Counsel

Enclosure  
cc: Stacie Peterson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

MEMORANDUM

SUBJECT: Consent Agreement and Final Order  
In the Matter of: Sasol North America, Inc.  
Docket No. RCRA-03-2008-0013

FROM: Abraham Ferdas, Director *Abraham Ferdas*  
Waste and Chemicals Management Division

William C. Early *W. C. Early*  
Regional Counsel

TO: Renée Sarajian  
Regional Judicial Officer (3RC00)

RECEIVED  
2008 APR 29 PM 3:03  
REGIONAL HEARING CLERK  
EPA REGION III PHILA. PA

The attached Consent Agreement and Final Order both commences and concludes a matter negotiated in settlement of alleged violations of the authorized State of Maryland Hazardous Waste Management Regulations, enforceable by EPA under Section 3008(a) of Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22.13(b).

The attached Final Order directs Respondents to pay a civil penalty in the amount of \$95,000.00 and carry out a Compliance Order contained in the CAFO.

We recommend that you sign the attached Final Order. After you execute the Final Order, please return the documents to Joyce Howell, x2644, for further processing.

Attachments

cc: Pamela Marks, Esq.

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

RECEIVED  
2008 APR 29 PM 3:03  
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EPA REGION III PHILA. PA

**In the Matter of:**

**SASOL NORTH AMERICA INC.**

**DOCKET No. RCRA-03-2008-0013**

**Respondent.**

**CONSENT AGREEMENT**

**Facility Address:**

**3441 Fairfield Road  
Baltimore, Maryland 21226**

**I. PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director, Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III ("EPA," "Agency" or "Complainant") and Sasol North America Inc. ("Sasol" or "Respondent") pursuant to Section 3008(a) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act ("RCRA") of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3). This Consent Agreement and the accompanying Final Order address alleged violations by Respondent of RCRA and the State of Maryland Hazardous Waste Management Regulations ("MdHWMR"), set forth at the Code of Maryland Regulations ("COMAR"), Title 26, Subtitle 13 et seq. The MdHWMR were originally authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the Maryland Hazardous waste management program set forth at COMAR, Title 26, Subtitle 13 were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised authorized program are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

2. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this Consent Agreement and the attached Final Order (hereinafter jointly referred to as this "CAFO") simultaneously commence and conclude an administrative proceeding against Respondent, brought under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), to resolve alleged violations of RCRA at Respondent's facility at 3441 Fairfield Road, Baltimore, Maryland (the "Facility").
3. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
4. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this Consent Agreement, except as provided in Paragraph 3, above.
5. Respondent agrees not to contest EPA's jurisdiction with respect to the execution and issuance of this CAFO, or the enforcement of the CAFO.
6. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
7. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
8. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

**Notice of Action to the State of Maryland**

9. EPA has given the State of Maryland, through the Maryland Department of the Environment ("MDE"), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

**II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

10. Respondent is a corporation registered to do business in the State of Maryland.
11. Respondent is a person within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and COMAR 26.13.01.03.B (61).
12. Respondent is the owner and operator of a linear alkylbenzene ("LAB") manufacturing

operation, located at 3441 Fairfield Road, Baltimore, Maryland 21226 (the "Facility").

13. In or about 1980, Respondent submitted to EPA a Notification of Hazardous Waste Activity ("Notification") for the Facility, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, identifying itself as a generator of hazardous waste at the Facility. On or about August 18, 1980, the Facility was assigned EPA ID No. MDD990686222.
14. At the Facility, Respondent is a "generator" of materials described below that are "solid wastes" and "hazardous waste," as those terms are defined in COMAR 26.13.01.03.B (29), (73) and (31).
15. On February 15, 2006, a representative of EPA and a representative of MDE conducted a Compliance Evaluation Inspection ("CEI") at the Facility.
16. In accordance with the delegation of authority recited in Paragraph 1, above, MDE will make determinations with respect to the need for, and the requirements, implementation, and completion of any further remedial action resulting from the release on February 15, 2007 through February 23, 2007.

**COUNT I**

**(Failure to Make a Waste Determination)**

17. The allegations contained in Paragraphs 1 through 16 are incorporated herein by reference as though fully set forth at length.
18. COMAR 26.13.03.02A provides that a person who generates a solid waste as defined in COMAR 26.13.02.02 shall determine if that waste is a hazardous waste using the method set forth in COMAR 26.13.03.A-C.
19. As the person who generated the solid waste described in this Count, Respondent was required by COMAR 26.13.03.02A to determine if the solid waste it generated was hazardous waste using the method prescribed by COMAR 26.13.03.02A-C.
20. At Respondent's facility, at the time of the allegations, stormwater, utilities wastewater and process treated wastewater flowed through a concrete basin. This concrete basin is identified by Respondent as the "SSB." Water from the SSB can also flow into a retention basin identified by Respondent as the "Slip."
21. Solid waste with a concentration of .5 ppm benzene or greater is a hazardous waste (D018) pursuant to 40 C.F.R. § 261.24 and COMAR 26.13.02.14 because it exhibits the characteristic of "toxicity" for benzene.

22. On February 15, 2007, in connection with a release, Respondent treated, stored and/or disposed of a solid waste, i.e. wastewater with a concentration of benzene greater than .5 ppm and thus exhibiting the hazardous waste characteristic of "toxicity" (D018) into the Slip without first performing a hazardous waste determination on such solid waste. Respondent asserts such release was accidental.
23. Respondent failed to perform a hazardous waste determination, as required by COMAR 26.13.03.02, on solid waste it generated at the Facility.
24. Respondent violated COMAR 26.13.03.02A by failing to perform a hazardous waste determination on solid waste generated at the Facility and treated, stored and/or disposed into the Slip on February 15, 2007.

**COUNT II**

**(Operation Without a Permit or Interim Status)**

25. The allegations contained in Paragraphs 1 through 24 are incorporated herein by reference.
26. COMAR 26.13.07.01A provides that, subject to exceptions not applicable to this matter, a person may not operate any "facilities" within the meaning of COMAR 26.13.01.03.B (23) without first obtaining a valid permit from MDE.
27. The benzene-contaminated wastewater released into the Slip on February 15, 2007 caused the wastewater in the Slip to have an initial concentration of 300 ppm benzene on February 15, 2007, which reduced over time to .6 ppm on February 23, 2007.
28. From February 15 through February 23, 2007, Respondent engaged in the "storage, treatment and/or disposal" of a "hazardous waste" exhibiting the characteristic of toxicity for benzene (D018) in the Slip within the meaning of COMAR 26.13.01.03.B (76), (86), and (15) and COMAR 26.13.05.11A.
29. The Slip is a "surface impoundment" and a "facility" as those terms are defined in COMAR 26.13.01B(23) and (77).
30. Respondent is the "owner" and "operator" of the Slip and, therefore, the owner and operator of a "facility" as those terms are defined in COMAR 26.13.01.03B(59), (58), and (23).
31. Respondent did not obtain a permit from MDE before treating, storing and/or disposing benzene into the Slip as required by COMAR 26.13.07.01A.

32. Respondent violated COMAR 26.13.07.01A by operating a facility, i.e., a surface impoundment for the storage, treatment and/or disposal of hazardous waste, without a permit or interim status.

**COUNT III**  
**(Unpermitted Land Disposal)**

33. The allegations contained in Paragraphs 1 through 32 are incorporated herein by reference as though fully set forth at length.
34. 40 C.F.R. § 268.38 provides that D018 waste, with exceptions not relevant here, is prohibited from land disposal.
35. The Slip is a "surface impoundment" within the meaning of COMAR 26.13.01.03.B(77).
36. Placement in a "surface impoundment" is "land disposal" within the meaning of 40 C.F.R. § 268.2(c).
37. On February 15, 2007 through February 23, 2007, Respondent violated 40 C.F.R. § 268.38 by placing D018 waste into the Slip.

**III. COMPLIANCE ORDER**

Respondent shall perform the Compliance Tasks set forth in paragraphs 38-43 below. "Days" as used herein shall mean calendar days unless specified otherwise.

38. Immediately cease the treatment, storage and/or disposal of hazardous wastes at the Facility except in accordance with a permit issued by, or an exemption or exclusion allowed by, the MdHWMR, COMAR 26.13.01.01 *et seq.* and/or EPA's hazardous waste management regulations, 40 C.F.R. Parts 260-279, as applicable.
39. Within fourteen (14) days of Respondent's receipt of the fully executed and filed CAFO, implement the hazardous waste determination sampling protocol attached to this CAFO (Attachment A) and incorporated by reference as though fully set forth herein. This protocol may be modified from time to time by Respondent based upon hazardous waste management activities at the Facility, and information that Respondent develops regarding its waste streams, provided that nothing herein shall relieve Respondent of its obligations under COMAR 26.13.03.02A.
40. Within fourteen (14) days of Respondent's receipt of the fully executed and filed CAFO, incorporate into plant procedures the emergency response protocol attached to this CAFO

(Attachment B) and incorporated by reference as though fully set forth herein. This protocol may be modified from time to time by Respondent based upon hazardous waste management activities at the Facility and information that Respondent develops regarding the plant operations, provided that nothing herein shall relieve Respondent of its obligations under COMAR 26.13.05.03 and 26.13.05.04.

41. Within 21 days after receipt of this fully executed and filed CAFO, submit to EPA a written statement certifying that the compliance tasks set forth in paragraphs 38-40 herein have been implemented or explaining why any such tasks have not been implemented.
42. Within 30 days of submission to MDE, submit to EPA copies of all documentation of any remedial actions directed by MDE and performed by Respondent or on behalf of Respondent. Such documentation need not be certified under paragraph 43, below.
43. Submissions to EPA: Any notice, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirements of this Compliance Order shall be certified by a responsible corporate officer of Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The aforesaid certification shall provide the following statement above the signature of the responsible corporate officer signing the certification on behalf of the Respondent:

I certify under penalty of law that this document and all attachments are true, accurate and complete. As to portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.



Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Any notifications or submissions to EPA required by this Compliance Order shall be sent to the attention of:

Stacie Peterson (3WC31)  
RCRA Enforcement and Compliance Officer  
United States Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029; and

Joyce A. Howell (3WC31)  
Sr. Asst. Regional Counsel  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029

#### **IV. CIVIL PENALTIES**

44. Respondent agrees to pay a civil penalty in the amount of Ninety-five Thousand Dollars (\$95,000.00), which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO fully executed by all parties. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
45. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount was determined after consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties which Complainant may have under Section 3008(a) of RCRA for the violations alleged in this CAFO.
46. Respondent shall remit the payment for the civil penalty specified in Paragraph 44, above, payable to United States Treasury, using one of the payment methods set forth below:

**IMO Sasol North America Inc.**

**Docket No. 03-2008-0013**

**CHECK PAYMENTS:**

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

**WIRE TRANSFERS:**

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York NY 10045  
Field Tag 4200 of the Fedwire message should read " D 68010727 Environmental Protection Agency "

**OVERNIGHT MAIL:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson  
314-418-4087

ACH (also known as REX or remittance express)

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074  
Contact - Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Forma

**IMO Sasol North America Inc.**  
**ON LINE PAYMENT:**

**Docket No. 03-2008-0013**

There is now an On Line Payment Option, available through the Dept. of Treasury.  
This payment option can be accessed from the information below:

**WWW.PAY.GOV**

Enter sfo 1.1 in the search field

Open form and complete required fields.

All payments by Respondent shall reference its name and address and the Docket Number of this action (RCRA-03-2008-0013)

At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code 3WC31)  
1650 Arch Street  
Philadelphia, PA 19103-2029

47. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
48. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment as specified in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

49. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
50. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
51. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

#### **VI. OTHER APPLICABLE LAWS**

52. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

#### **VII. PARTIES BOUND**

53. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

#### **VIII. EFFECTIVE DATE**

54. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

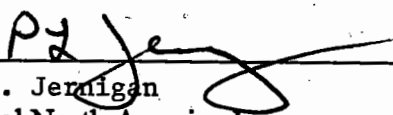
**IMO Sasol North America Inc.**

**Docket No. 03-2008-0013**

**For Respondent, Sasol North America Inc.**

**Date:** March 26, 2008

**By:**

  
\_\_\_\_\_  
P.L. Jernigan  
Sasol North America Inc.  
Vice President, Operations

**IMO Sasol North America Inc.**

**Docket No. 03-2008-0013**

**For Complainant, United States Environmental Protection Agency, Region III:**

Date: 4/4/08

By: Joyce A. Howell

Joyce A. Howell

Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Waste and Chemicals Management Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

Date: 4/24/08

By: Abraham Ferdas

Abraham Ferdas

Director

Waste and Chemicals Management Division

**ATTACHMENT A**

## **STORMWATER SYSTEM NORMAL OPERATION**

**Purpose:** This procedure details the steps required to manage and treat stormwater in the SSB, T-184/185 and F-13/761 prior to discharge into the slip and the Patapsco River.

**Authority/  
Responsibility:** Qualified Operator(s)

**Precautions:** Water in the SSB and T-184/185 may be contaminated with benzene. If the benzene concentration in the water is 0.5 ppm (500 ppb) or greater, the water is classified as a benzene toxic hazardous waste. Hazardous waste must never be allowed to discharge into the slip.

**References:** P&IDs for the SSB, T-184/185 and F-13/761

**Safety Systems:** SSB high level alarm (LAH 1145)  
T-184 high level alarm (LAH 1121)  
T-185 high level alarm (LAH 1122)  
Emergency power generator (available for P-90 only)  
Seal leg in the line from the SSB to T-184/185  
Overflow legs on T-184 and T-185  
Winterization on piping at the SSB and F-13/761

**Prerequisites:** 20,000 pound charge of activated carbon in both F-13 and F-761  
Sediment accumulation in T-184 is below the nozzle to P-89 and P-91

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### **Procedure**

1. **Set** the horizontal lift pump (P-90) and both vertical stormwater pumps (P-67 and P-68) at the SSB to operate in AUTO. The SSB must not be allowed to overflow to the slip uncontrolled.

\*\*\*\*\*NOTE\*\*\*\*\*

The SSB pumps are designed to transfer up to a 25-year, one-hour rainfall (9,000 gpm) to T-184. If the SSB overflows during a less significant storm event, pump maintenance may be needed.

\*\*\*\*\*NOTE\*\*\*\*\*



**SASOL NORTH AMERICA****BALTIMORE PLANT****OPERATIONS**

2. **Maintain** T-184 level at or near 6 feet (30%) by pumping water from T-184 to the slip through activated carbon filters F-13 and F-761 when necessary. Flow to F-13 and F-761 should normally be set at 400 gpm, but can be increased to 600 gpm when necessary by operating both T-184 pumps (P-89 and P-91). Avoid pumping water from T-184 to F-13 and F-761 when the SSB stormwater pumps are operating to minimize transfer of sediments from T-184 to F-13 and F-761.

\*\*\*\*\*CAUTION\*\*\*\*\*

Do not pump water from T-184 to the slip if the activated carbon in either F-13 or F-761 is spent.

\*\*\*\*\*CAUTION\*\*\*\*\*

3. **Monitor** water in the stormwater system for benzene by collecting grab samples as follows. Samples must be collected in 3 – 40 ml glass VOA vials, preserved with HCl to a pH <2, cooled to less than 40° F immediately after collection, and analyzed at a contract laboratory within 14 days of sample collection using EPA Method 8021B or 8260. Sample vials must not contain macro-bubbles (1/4 inch or more airspace).

| Location            | Sampling Procedure  | Frequency |
|---------------------|---|-----------|
| SSB                 | Dip sample bottles into middle section of the SSB         | Weekly    |
| T-184/185           | Fill sample bottles from valve in line to F-13            | Weekly    |
| Effluent from F-13  | Fill sample bottles from valve in line from F-13 to F-761 | Weekly    |
| Effluent from F-761 | Fill sample bottles from valve in line from F-761 to SSB  | Weekly    |
| NE corner of slip   | Dip sample bottles into NE corner of slip                 | Weekly    |

4. **Replace** activated carbon in F-13 and/or F-761 when spent. A benzene concentration in excess of 0.005 ppm (5 ppb) in F-13 or F-761 effluent is evidence of spent carbon. The normal procedure for replacing activated carbon is as follows:
- Verify that F-13 and F-761 are filled with water.
  - Transfer the carbon and water in F-761 into the empty carbon truck.
  - Fill the fresh carbon truck with F-761 effluent.
  - Transfer the fresh carbon and water into F-761.
  - Transfer the spent carbon and water in F-13 into the empty carbon truck.
  - Drain the water in the spent carbon truck into the SSB.
  - Transfer the carbon and water that were previously in F-761 into F-13.

\*\*\*\*\*CAUTION\*\*\*\*\*

Do not pump water from T-184 to the slip if the activated carbon in either F-13 or F-761 is spent.

\*\*\*\*\*CAUTION\*\*\*\*\*

Issue Date: 11-1-07

Procedure Number: F-1, 610

Revision Date: 11-1-07

Page 2 of 3

5. **Backwash** F-13 to the SSB when at least 300 gpm flow can not be maintained through F-13. The normal procedure for backwashing F-13 is as follows:
- Shut down water flow from T-184 to F-13.
  - Close the F-13 isolation valves.
  - Open the F-13 backwash valves.
  - Establish water flow from T-184 through F-13 to the SSB.
  - When F-13 effluent is clear, shut down flow from T-184 through F-13.
  - Close the F-13 backwash valves.
  - Reopen the F-13 isolation valves.

\*\*\*\*\*CAUTION\*\*\*\*\*

Do not backwash F-13 with water from T-184 if the benzene concentration in the water exceeds 0.05 ppm (50 ppb) because the benzene could cause activated carbon in F-13 to spend prematurely. Obtain water for backwashing from a fire hydrant and hose if necessary.

\*\*\*\*\*CAUTION\*\*\*\*\*

6. **Backwash** F-761 to the SSB in the same manner as Step 5 if necessary.
7. **Inspect** electric heat tracing at the SSB, F-13 and F-761 prior to each winter to ensure that it is turned on and operating properly.
8. **Circulate** water from T-184 through F-13, F-761, the SSB and back to T-184 when ambient temperatures are below 32° F and the water level in T-184 is below 6 feet. The pipeline from T-184 to F-13 is not winterized and water will freeze in the pipeline if stagnant.

oOo

**ATTACHMENT B**

## **RESPONDING TO BENZENE IN THE SLIP**

|  |  |
|--|--|
| <b><u>Purpose:</u></b>                       | This procedure details the steps required to safely respond to a discharge of benzene or benzene-contaminated water into the slip.   |
| <b><u>Authority/<br/>Responsibility:</u></b> | Qualified Operator(s)  |
| <b><u>Precautions:</u></b>                   | Benzene is a flammable and toxic chemical. Short term exposure can cause skin and eye irritation and nervous system effects such as weakness and dizziness. Long term exposure can cause cancer. |
| <b><u>References:</u></b>                    | MSDS for Benzene<br>Baltimore Plant Safety and Health Manual   |
| <b><u>Safety Systems:</u></b>                | Plant firewater system<br>Portable VOC-in-air analyzer   |
| <b><u>Prerequisites:</u></b>                 | Water in the slip contains 0.5 ppm (500 ppb) or more benzene concentration.  |

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### **Procedure**

1. **Immediately shut-off** flow, or verify that there is no flow, from the slip to the Patapsco River.
2. **Immediately shut-off** flow, or verify that there is no flow, into the slip from any source.
3. **Immediately notify** the National Response Center, the MDE and the Baltimore City Fire Department if the discharge into the slip contained 10 pounds or more of benzene.
4. **Monitor** benzene concentrations in ambient air around the perimeter of the slip to determine whether any area needs to be regulated for benzene exposure.

\*\*\*\*\*CAUTION\*\*\*\*\*

If 1 ppm or greater of benzene is detected in ambient air, the affected area must be barricaded and access to the affected area must be restricted to qualified responders wearing appropriate personal protective equipment as specified in the Baltimore Plant Safety and Health Manual.

\*\*\*\*\*CAUTION\*\*\*\*\*

Issue Date: 11-1-07

Procedure Number: F-1, 401

Revision Date: 11-1-07

Page 1 of 3

5. **Attach** one end of a 4 inch diameter hose to the discharge piping on the slip firewater pump (remove the recirculation spool piece to the slip if necessary) and run the hose to the SSB. Secure the discharge end of the hose firmly and protect the hose from vehicle traffic.
6. **Pump** water from the slip to the SSB using the slip firewater pump.
7. **Pump** water from the SSB to stormwater tanks T-184/185 using the SSB pumps.
8. **Monitor** the water level in stormwater tanks T-184/185. When high water level is reached in T-184/185, pump water from T-184/185 to the slip through activated filters F-13 and F-761.

\*\*\*\*\*CAUTION\*\*\*\*\*

Do not pump water from T-184 to the slip if the activated carbon in either F-13 or F-761 is spent.

\*\*\*\*\*CAUTION\*\*\*\*\*

9. **Monitor** water in the stormwater system for benzene by collecting grab samples as follows. Samples must be collected in 3 – 40 ml glass VOA vials, preserved with HCl to a pH <2, cooled to less than 40° F immediately after collection, and analyzed at a contract laboratory within 14 days of sample collection using EPA Method 8021B or 8260. Sample vials must not contain macro-bubbles (1/4 inch or more airspace).

| Location            | Sampling Procedure  | Frequency |
|---------------------|---|-----------|
| SSB                 | Dip sample bottles into middle section of the SSB         | Daily     |
| T-184/185           | Fill sample bottles from valve in line to F-13            | Daily     |
| Effluent from F-13  | Fill sample bottles from valve in line from F-13 to F-761 | Daily     |
| Effluent from F-761 | Fill sample bottles from valve in line from F-761 to SSB  | Daily     |
| NE corner of slip   | Dip sample bottles into NE corner of slip                 | Daily     |
| NW corner of slip   | Dip sample bottles into NW corner of slip                 | Daily     |
| SW corner of slip   | Dip sample bottles into SW corner of slip                 | Daily     |
| SE corner of slip   | Dip sample bottles into SE corner of slip                 | Daily     |

10. **Replace** activated carbon in F-13 and/or F-761 when spent. A benzene concentration in excess of 0.005 ppm (5 ppb) in F-13 or F-761 effluent is indication of spent carbon.

\*\*\*\*\*CAUTION\*\*\*\*\*

Do not pump water from T-184 to the slip if the activated carbon in either F-13 or F-761 is spent.

\*\*\*\*\*CAUTION\*\*\*\*\*

11. **Continue** steps 1 and 6 – 11 until benzene concentrations in water at all locations in the slip are less than 0.005 ppm (5 ppb).

oOo

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103**

**In the Matter of**

**SASOL NORTH AMERICA INC.**

**Docket No. RCRA-03-2008-0013**

**Respondent,**

**3441 Fairfield Road  
Baltimore, Maryland 21226,**

**Facility.**

REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

2008 APR 29 PM 3:03

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**FINAL ORDER**

Complainant, the Director, Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III, and Respondent, Sasol North America Inc. have executed a document entitled "Consent Agreement," which I hereby ratify in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

NOW, THEREFORE, PURSUANT TO the Consolidated Rules of Practice and, based on the representations in the Consent Agreement, having determined that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), it is hereby ordered that Respondent pay a civil penalty in the amount of \$95,000.00 in accordance with the Consent Agreement and comply with the terms and conditions of this Consent Agreement.

The effective date of this Final Order is the date upon which it is filed with the Regional Hearing Clerk.

4/29/08  
Date

Renée Sarajian  
Renée Sarajian  
Regional Judicial Officer



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

In the Matter of:

SASOL NORTH AMERICA, INC.

Respondent.

Facility Address:

3441 Fairfield Road  
Baltimore, Maryland 21226

DOCKET No. RCRA-03-2008-0013

CONSENT AGREEMENT

REGIONAL HEARING CLERK  
EPA REGION III PHILA. PA

2008 APR 29 PM 3:03

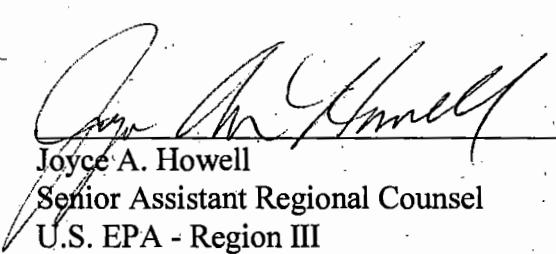
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**CERTIFICATE OF SERVICE**

I certify that on the date noted below, I sent by Federal Express, a copy of the Consent Agreement and Final Order to the addressee listed below. The original and one copy of the Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

Ms. Pamela Marks, Esq.  
Beveridge and Diamond  
201 N. Charles Street  
Suite 2219  
Baltimore, MD 21201

Dated: 4/29/2008

  
Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. EPA - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

## **NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS**

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

April 29, 2008

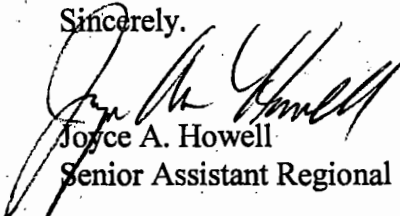
Lori Weidner  
U.S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive  
Cincinnati, OH 45268

Re: IMO Sasol North America, Inc. RCRA-03-2008-0013

Dear Ms. Weidner:

Enclosed please find a stamped copy of the SCAFO filed in this matter, together with a completed EARCNF. Thank you.

Sincerely,

  
Jorice A. Howell  
Senior Assistant Regional Counsel



**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM****EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM****TO BE FILLED OUT BY ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Joyce Howell

Name of Contact person

Date

in the ORC

office

at x 2644

phone number

☐ Non-SF Jud. Order/Consent  
Decree. DOJ COLLECTS☒ Administrative Order/  
Consent Agreement  
FMD COLLECTS PAYMENT☐ SF Jud. Order/Consent  
Decree. FMD COLLECTS☒ This is an original debt☐ This is a modification

Name of Person and/or Company/Municipality making the payment

Sasol North AmericaThe Total Dollar Amount of Receivable \$95,000

(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number RCRA-03-2008-0013

The Site-Specific Superfund Acct. Number \_\_\_\_\_

The Designated Regional/HQ Program Office Waste + ChemicalsMgt. D. U. CRA Region III**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_

(Name of Contact)

(Date)

in the Financial Management Office, phone number: \_\_\_\_\_

**JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:1. Rosemarie Pacheco  
Environmental Enforcement Section  
Lands Division, Room 130044  
1425 New York Avenue, N.W.  
Washington, D.C. 200052. Originating office (ORC)  
3. Designated Program Office**ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the administrative order should be sent to:1. Originating Office  
3. Regional Hearing Clerk2. Designated Program Office  
3. Regional Counsel